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OGC REVIEW COMPLETED

2 May 1955

MEMORANDUM FOR: The Record

SUBJECT : Notes from Pentagon on P.L. 513

1) Files very sparse and, in some instances, not clearly identified, on point.

2) Bill pushed by Pentagon before end of Japanese war.

3) Until 1947 the various bills did not include "classified". Referred only to "information" or "material".

4) There is an unsigned letter, marked "Copy" to Senator Wiley, Chairman of Senate Committee on Judiciary, from Solon J. Buck, U.S. Archivist, objecting to the bill. He pointed out that under the bill "it would be a criminal offense for any member of the staff of the National Archives to make available in our normal reference service any document in my custody that had ever been transmitted in code or to reveal the content of such a document . . ." The letter points out that many Army, Navy and other documents had once been transmitted by code and since it is impossible to tell which documents had been so transmitted, the Archives would not be able to furnish documents under the bill.

5) It was after this that the concept "classified information" first appeared.

(a) In July 1947, John L. Sullivan, Acting Secretary of Navy proposed amendments to include "classified information":

"(d) The term "classified" as used herein shall be construed to include any marking used by any United States government agency, for security purposes, in limiting or restricting the dissemination, distribution, or recipients of the information or material to which such marking pertains."

(b) An amended version of S. 1019, by I. & S. Subcommittee, 20 August 1947:

"Sec. 2. The term "classified information" as used herein shall, for the purposes of this Act, be construed to mean information segregated, and limited or restricted in dissemination or distribution for purposes of national security, by a United States

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government agency, and marked with or designated by a marking or designation signifying such segregation, limitation, and restriction. The term "classified procedures and methods" as used herein shall be construed accordingly."

- (c) An amended version of S. 1019, by I. & S. Subcommittee, 3 September 1947:

"Sec. 2(a). The term "classified information" as used herein shall be construed to mean information which, at the time of a violation under this Act, is, for reasons of national security, specifically designated by a United States government agency for limitation or restriction in dissemination or distribution. The term "classified procedures and methods" as used herein shall be construed accordingly."

- (d) An amended version of S. 1019, by I. & S. Subcommittee, 3 September 1947:

"Sec. 2(a). The term "classified information" as used herein shall be construed to mean information which, at the time of a violation under this Act, is, for reasons of national security, specifically designated by a United States government agency, for limited or restricted dissemination or distribution."

6) The file indicates two major matters which concerned the sponsors of the bill: (1) the desire to plug the hole in existing law; and, later (2) the desire to prevent the bill from being too all-inclusive. It was for the latter objective that the concept "classified information" was added. At no time was any consideration shown as to the meaning of that term in relation to its meaning under the Executive Order. (This is precisely in accord with the Senate hearings examined last week. The point was not considered).

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Office of General Counsel